

REMARKS

This office action is responsive to a Board decision that **affirmed** the Examiner's rejections of Claims 1-7, 9-12, 16-19, 21 and 22, **and reversed** the Examiner's rejections of Claims 13-15. The Board decision stated explicitly that the cited prior art **does not** provide a sufficient suggestion or motivation to employ the particular material(s) recited in Claim 13 to form the claimed monolithic open cell foam support useful for an autothermal reforming process (see page 15 of the Board's decision).

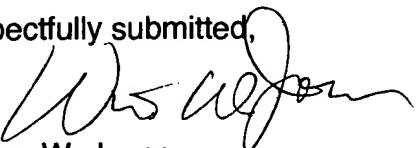
The Examiner responds to the Board decision by citing MPEP §1214.06 and alleging that "Claims 13-15 are incomplete because the claim on which they depend has been cancelled (sic, 'canceled') by the examiner in accordance with MPEP §1214.06. Applicant is given ONE MONTH TIME LIMIT from the date of this letter in which to present claims 13-15 in independent form. NO EXTENSIONS OF TIME UNDER 37CFR 1.13(a) WILL BE GRANTED. **Failure to comply with this deadline will result in cancellation of all claims and this application will be abandoned** (emphasis added).".

With all due respect, MPEP §1214.06 **does not empower** the Examiner to cancel **all** claims in an application wherein the Board has affirmed some final rejections, and reversed some other final rejections. The Examiner can cancel **only** the claim from which the allowed claims depend. In this case, that is Claim 1. Thus, the Examiner has the authority to cancel Claim 1 only. What MPEP §1214.06 does state is that the claims that were allowed cannot be canceled by the Examiner in a follow up office action, but must be allowed, even if no timely reply is received from an applicant. Thus, quoting MPEP §1214.06 1), (B) (2), the Examiner can only "issue the application with the allowed claims.".

Examiner Ridley would be well advised to actually read portions of the MPEP before she cites and paraphrases them.

That said, we have amended the application so as to cancel Claim 1 and rewrite allowed Claim 13 in independent form. Therefore, this amendment must be entered by the Examiner.

Respectfully submitted,


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Date 9-3-03

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

9-3-03
W.S. Jr.
Signature
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Date